

Application No. 10/572,527
Paper Dated: October 10, 2008
In Reply to USPTO Correspondence of July 21, 2008
Attorney Docket No. 4084-060799

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figs. 6 and 7. The Replacement Sheet, which includes Figs. 6 and 7, replaces the original sheet including Figs. 6 and 7.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

This Amendment is responsive to the July 21, 2008 Office Action. In the Office Action, claims 1, 6 and 7 stand rejected and claims 2-5 are indicated as allowable. Claim 1 has been amended with clarifying language in accordance with the originally-filed drawings and specification. Support for the amendment to claim 1 may be found, for example, in the specification at page 8, lines 23-30 and in Fig. 2. Claims 2 and 3 have been amended to be placed into independent form incorporating the limitations of base claim 1. Claim 4 has also been amended to delete subject matter in order to clarify the features of the claim.

Allowed Subject Matter

In the Office Action at page 5, the Examiner states that claims 2-5 contain allowable subject matter. As set forth above, Applicant has rewritten claims 2 and 3 in independent form. Claims 4 and 5 depend from, and add further limitations to, amended claim 3. Therefore, claims 2-5, as amended, are now in condition for allowance. Reconsideration of the objection to claims 2-5 is respectfully requested.

Objections to the Abstract and Specification

The Office Action has objected to the abstract for not commencing on a separate sheet. Applicant hereby submits the abstract of the invention on a separately typed page. Further, the specification has also been objected to for two typographical errors on page 7, line 8 and page 11, line 30 of the specification. Applicant has amended the specification to correct these errors. Reconsideration and withdrawal of these objections are respectfully requested.

Objections to the Drawings

The Examiner has objected to Figs. 6 and 7 for failing to label them as prior art. Further, the drawings were objected to for failing to include all of the reference numerals discussed in the specification. In particular, reference number 21 for the casing on page 12, line 5 of the specification does not appear to be labeled on the drawings. Applicant has

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amended Figs. 6 and 7 to label them as prior art. Further, Applicant has amended the specification to delete reference number 21. Reconsideration and withdrawal of these objections are respectfully requested.

Objection to Claim 4

Claim 4 has been objected to for including reference numerals that are not in parentheses and for including the term “is constructed in such a manner that”, which the Examiner asserts is awkward. In view of the foregoing amendment to claim 4, reconsideration of this objection is respectfully requested.

Rejections Under 35 U.S.C. § 102(b)

Claims 1, 6 and 7 stand rejected under 35 U.S.C. § 102(b) for anticipation by United States Patent No. 4,239,945 to Atoji et al.

Independent claim 1 as amended recites, *inter alia*, “a diaphragm (20) that faces one side of the magnetic body and vibrates to transmit sound waves through the transmission portion; a barrier separating the diaphragm (20) from a backside of the casing; and a transmission conduit (10) formed by the barrier and the backside of the casing having an inlet hole (10a)...and an outlet hole (10b)...the inlet hole being connected to a portion of the backside of the casing, the outlet hole being oriented toward the front of the diaphragm.”

The Atoji patent fails to disclose or suggest a barrier separating the diaphragm from a backside of the casing and a transmission conduit formed by the barrier and the backside of the casing as defined by independent claim 1. On the contrary, the Atoji patent discloses a sealed headphone having a coupling aperture (13) formed in a mounting plate (1) to allow communication between a first volume (I) within casing (10) and a second volume (II) on the front side of a diaphragm (7) (see Fig. 3A; column 2, lines 27-35). In a further embodiment of the Atoji patent, a tubular partitioning element (18) is mounted on the rear side of the mounting plate (1) to divide the sealed volume on the rear side of the mounting plate (1) into two parts, which are coupled through a coupling aperture (19) (see Fig. 5A; column 3, lines 10-17). Neither the frame (4) nor the tubular portioning element (18) of the Atoji patent, however, disclose or suggest a barrier separating the diaphragm from a backside

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of the casing as in the present invention. Thus, the Atoji patent also fails to disclose or suggest a transmission conduit formed by the barrier and the backside of the casing as recited in claim 1. Therefore, the Atoji patent fails to disclose all of the claim elements recited in amended independent claim 1.

Claims 6 and 7 directly depend from independent claim 1 and are, therefore, believed to be patentable for the reasons discussed above with respect to independent claim 1.

Reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

For all of the foregoing reasons, Applicant submits that pending claims 1-7 are patentable over the prior art of record and are in condition for allowance. Reconsideration of the objections and rejections and allowance of pending claims 1-7 are respectfully requested.

Respectfully submitted,
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